

Serial No.: 10/802,314
Docket No.: ECV-5539CON

Amendment dated December 20, 2007

Responsive to the Office Action dated June 20, 2007

REMARKS

Claims 1-21 remain pending and are repeated above for the sake of clarity.

Claims 1-8 and 11-19 stand rejected under 35 USC §102(b) as being anticipated by Totten (USPN 4477930). Applicants object to the repeat of a prior art rejection that has been

5 previously overcome.

This application was previously pending as Serial No. 09/585,098, filed on June 1, 2000. In a telephonic interview dated June 9, 2003 between Examiner Pellegrino and Chris James (previously of record), agreement was reached concerning the *presently pending claims* vis-à-vis Totten. Specifically, the Examiner stated that “Totten was capable of pivoting between two 10 positions, but the sewing ring could not hold its position in both the outflow and inflow positions.” Subsequently, an amendment dated June 11, 2003 was filed incorporating the substance of the interview into the claims, which caused Examiner Pellegrino to prepare a Notice of Allowance, again repeating the reason for allowance.

Unfortunately, the parent application was expressly abandoned in favor of the instant 15 application, though the same allowed claims were presented on the filing date of March 17, 2004. More than three years later, the present Office Action dated June 20, 2007 was prepared by Examiner Pellegrino which reiterates the original rejection on the basis of Totten. Applicants see no new reasoning which would change the previous outcome. It appears that the rejection has simply been repeated, with slight modifications, and that the previous allowable disposition has 20 been removed. Applicants question whether the Examiner has changed his mind as to the capabilities of the sewing ring of Totten. If so, such a revision should be stated on the record so that Applicants are apprised of the precise reason for the rejection. If not, perhaps there has been an oversight.

In any event, Applicants maintain that Totten does not disclose or suggest a sewing ring, 25 or valve having a sewing ring, that is configured to pivot between bi-stable first and second positions, respectively, toward the inflow end and the outflow end of the valve. Accordingly, Applicants assert that claims 1 and 11, and their dependents, are allowable over Totten.

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Claims 1-7 and 11-18 stand rejected under 35 USC §102(b) as being anticipated by Vanney (USPN 5843179). Applicants assert that the claims are also allowable over Vanney.

Vanney discloses a sewing ring having a suture guard (e.g., 60 in Figs. 6A and 6B) that covers suture knots used to secure the sewing ring to an annulus. That is, the suture guard in each embodiment is a flange or flap of fabric on the proximal side of the sewing ring that allows the surgeon to cover exposed knots on the proximal side of the sewing ring with the guard. In the embodiments cited by Examiner Pellegrino, the suture guard is spring loaded into a closed position, such as with spring element 62 in Figs. 6A and 6B.

Applicants note that a) the suture guard is not a sewing ring, b) does not pivot between positions toward the inflow and outflow ends of the ring, and c) is not bi-stable. As to a), the suture guard is a flap on a larger sewing ring. Claims 1 and 11 pertain to the entire sewing ring, not just a part of a sewing ring. As to b), the suture guards of Vanney in their closed positions extend radially outward, and may be opened toward the proximal end to expose the knotting process. Thus, the suture guards do not pivot as the sewing rings of the present claims toward both the inflow and outflow directions. Finally, the suture guards of Vanney are not bi-stable. In the specific embodiments cited by the Examiner, the suture guards are instead biased into a single position, closed against the proximal side of the sewing rings.

Accordingly, claims 1 and 11, and their dependents, are allowable over Vanney.

Claims 9 and 20 stand rejected under 35 USC §103(a) as being unpatentable over Totten in view of Huynh, et al. (USPN 5928281). Whether or not the combination of Totten and Huynh would be made by one of skill in the art, Applicants maintain that Totten does not disclose a bi-stable sewing ring as claimed, and therefore claims 1 and 11 are allowable. The addition of elements from Huynh does not change the fact that claims 9 and 20 depend from allowable claims.

Claims 10 and 21 stand rejected under 35 USC §103(a) as being unpatentable over Totten in view of Reichart, et al. (USPN 4626255). Again, Applicants maintain that Totten does not

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disclose a bi-stable sewing ring as claimed, and therefore claims 1 and 11 are allowable, also rendering claims 10 and 21 allowable.

Fees Due to File This Amendment

5 Prior to the pending Office Action, a fee was paid for a maximum of 21 claims, with 3 of them being independent claims. No claim additions or cancellations have been made, and thus no claim fees are believed to be due to file this amendment.

Petition for Extension of Time to Respond

10 Pursuant to 37 C.F.R. 1.136(a), Applicants hereby request an extension of time for **Three Months** to respond to the above-referenced Office Action. The Commissioner is hereby authorized to charge the required fee of \$1050.00 to Deposit Account No. 50-1225 (Docket no. ECV-5539CON). A duplicate copy of this sheet is enclosed.

15 Claims 1-21 are believed to be in condition for allowance. If there is any further hindrance to allowance, the Examiner is encouraged contact the undersigned by telephone.

Respectfully submitted,

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Dated: December 20, 2007

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